

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 617

An Act to amend and reenact § 57-36 of the Code of Virginia, relating to condemnation of abandoned graveyards by localities; continued use of property as a graveyard.

[S 676]

Approved April 11, 2010

Be it enacted by the General Assembly of Virginia:

1. That § 57-36 of the Code of Virginia is amended and reenacted as follows:

§ 57-36. Abandoned graveyards may be condemned; removal of bodies.

A. When a graveyard, wholly or partly within any county, city or town, has been abandoned, or is unused and neglected by the owners, and such graveyard is necessary, in whole or in part, for public purposes, authorized by the charter of such city or town, or by the general statutes providing for the government of counties, cities and towns, such county, city or town may acquire title to such burying ground by condemnation proceedings, to be instituted and conducted in the manner and mode prescribed in the statutes providing for the exercise of the power of eminent domain by counties, cities and towns. *The locality may continue to maintain all or a portion of the burying ground as a graveyard.*

B. The court taking jurisdiction of ~~such~~ the case may, in its discretion, require the county, city or town to acquire the whole burying ground, in which event the county, city or town may use such part thereof as may be necessary for its purposes and sell the residue. The court, however, shall direct that the remains interred in such graveyard, if possible so to do, be removed to some repository used and maintained as a cemetery.